

**FLOOD CONTROL ADVISORY BOARD  
MINUTES  
June 22, 2005**

Kent Cooper, Chairman called the meeting of the Flood Control Advisory Board (FCAB) to order at 2:00 p.m. on Wednesday, June 22, 2005.

**Board Members Present:** Kent Cooper, Chairman; Melvin Martin; Ray Acuna, Ex Officio; DeWayne Justice, Secretary; Scott Ward, Vice-Chairman; Hemant Patel.

**Board Members Absent:** Paul Cherrington, Ex Officio

**Staff Members Present:** Julie Lemmon, General Counsel; Timothy S. Phillips, Acting Chief Engineer and General Manager; Linda Reinbold, Administrative Coordinator; Chuck Woosley, Contracts Branch Manager; Mike Wilson, Lands Division Manager; Monica Wuebker, Planning & Project Management Division; Dianna Cunningham, Property Management Manager; Theresa Pinto, Project Manager; Afshin Ahouraiyan, Project Manager; Kelli Sertich, Regional Area Planning Manager; Tom Renkley, Dam Safety Branch Manager; Debbi Shortal, Intern; and BJ Johnston, Clerk of the Flood Control Advisory Board.

**Guests Present:** Michael Bruder, ADOT; Elaine Mercado, ADOT; Ed Fritz, MCDOT; Pat Quinn, J.E. Fuller; Patrick Wolf, Aztec Engineering; Bryan Fry, Dibble & Assoc.; Janice & Paul Sullivan, Horspitality RV Park; Tony Bokich, Aztec Engineering; Jeannette Fish, MCFB.

1) APPROVAL OF THE MINUTES OF THE MEETING OF April 27, 2005.

ACTION: It was moved by Mr. Justice and seconded by Mr. Patel to approve the minutes as submitted. The motion carried unanimously.

2) HORSPITALITY RV PARK FLOODING HAZARD MITIGATION PROJECT, RESOLUTION FCD2005R013

This resolution FCD2005R013 will authorize the District to negotiate IGA's and Agreements for sponsorship of a bank stabilization project protecting the Horspitality RV Park. The presentation was made by Doug Williams, Planning Branch Manager.

*Cooper:* Mr. & Mrs. Sullivan, we appreciate you being here for us. It sounds like we are happy with the report to the extent that we are hopefully going to approve it without discussion.

ACTION: It was moved by Mr. Justice and seconded by Mr. Patel to approve the staff recommendations as submitted. The motion carried unanimously.

3) COPREHENSIVE PLAN 2005 – FLOOD CONTROL PROGRAM REPORT, RESOLUTION FCD2005R011

Kelli Sertich, Regional Area Planning Manager, presented Resolution FCD2005R011, the Comprehensive Plan 2005 – Flood Control Program Report. The Plan will provide public information and education; comply with Arizona Revised Statutes; comply with the National Flood Insurance Program Community Rating System Requirements; identify project and program activity for prioritization; and determine the level of future fiscal responsibilities for flood mitigation.

*Ward:* I thought this was extremely well done. Is this a tool we could use to send out to our client cities to really give them an idea of the magnitude of work this agency does? I thought this was extremely well done and I looked at this as if it was created by the private sector. It would have been a tremendous tool to use as a brochure that private sector companies would use to show their work in progress. Tim, I looked at this as if critiquing from the private sector. It is just an extremely well done tool.

*Sertich:* Thank you. We will be sending a copy to the cities that request it.

*Cooper:* I think what Mr. Ward is saying is that we should initiate the action of sending it out. They may not read it but at least they should have a copy. And I will echo his comments; it's a good document and summarizes very well what is going on.

*Justice:* Yes, it is an excellent document, very good work.

*Ward:* Just another comment. Knowing the politics that are involved with the District and how we are always lobbying for funds, I would echo Mr. Cooper's idea that we send it out just to show the client cities everything the District is doing.

*Phillips:* Absolutely. We can do that.

ACTION: It was moved by Mr. Justice and seconded by Mr. Martin to approve the item as submitted. The motion carried unanimously.

4) AGREEMENT FOR MODIFICATIONS TO SPOOK HILL FLOOD RETARDING STRUCTURE TO FACILITATE CONSTRUCTION OF THE LOOP 202L FREEWAY – IGA FCD2004A009

IGA FCD2004A009 with ADOT will allow for utilization of District property for the construction of a segment of the Red Mountain Freeway (Loop 202) from approximately Power Road to south of Brown Road. The indemnification clauses have been negotiated with ADOT and the only remaining item of agreement is the market compensation for use of District property. This presentation was made by Tim Renkley, P.E., Dam Safety Branch Manager

*Cooper:* I am having a hard time finding amounts in the agreement. Do you have any amounts for what the State is going to pay us for the land and other costs?

*Renkley:* Mr. Chairman, the value has not been agreed to at this point. What the language says basically is that we agree to agree before this project starts. So there is a right-of-way use permit that will be issued. ADOT has performed

an appraisal of the land. The District had questions on it so we decided to do our own appraisal. The intention is to have that appraisal completed and the agreement made before the construction starts in January.

*Justice:* Do you go all the way down to the bottom of the structure when looking for these cracks?

*Renkley:* Yes, we do. We will actually go into the foundation.

*Martin:* How can we approve this without knowing what the figures are, by their charts, coming up next month?

*Phillips:* Mr. Chairman, Mr. Martin, what we did with ADOT was to agree in the IGA that they would pay the fair market value. How we get there, in a sense, didn't matter other than that they agree to pay fair market value. If we have to go to condemnation, ultimately to determine fair market value, then that is the route that will be taken. But we agreed at this juncture, in order to not delay the freeway schedule and figure out today exactly what the fair market value, to proceed with the IGA. So we put the provisions in the IGA such that they will pay fair market value for the property and we expect that to be in excess of the value of the dam safety improvements that we are going to get out of this deal.

*Martin:* Some of us know that the values change day by day, but have we been doing the O&M on it?

*Renkley:* Mr. Chairman, Mr. Martin, we do the operations and maintenance on this dam and all 22 dams.

*Martin:* How long have we known that big crack was in it?

*Renkley:* We did a Phase 1 assessment on this structure and there were no visual observation of cracks on the structure. That means that without digging, we did not see any evidence of cracks. The recommendation of the Phase 1 assessment was to do some digging in this structure. It just so happens that ADOT had to do some work on the structure itself, so they got to it before we did. Essentially, it was six or eight months ago when ADOT did that work. That is when we really found out that the cracks were in this structure.

*Martin:* Are they getting any dirt from this?

*Renkley:* As part of the project, ADOT needs to excavate the upstream reservoir pool. They will use some of that excavation in the freeway construction, but there will be some 2 ½ million yards or so of excess material that they will need to dispose of.

*Phillips:* Mr. Chairman, Members of the Board, we have a representative here from ADOT who may wish to make a comment on this project.

*Bruder:* Mr. Chairman, Members of the Board, my name is Michael Bruder. I am the Senior Project Manager for ADOT on this project. I would like to express

my appreciation to the Flood Control District staff and General Counsel for all their hard work and cooperation in reaching this agreement. I really feel that this project will benefit both agencies. We began this freeway in 1985 and this is the last segment of that freeway program and we would really like to see it completed.

*Ward:* Can I ask you a question, please? Do you have to get the freeway location approved by FEMA and the Army Corps of Engineers since you are moving dirt in this floodway? .

*Bruder:* We do need a 404 Permit to start this project.

*Ward:* Do you have to work with FEMA in conjunction with the dams?

*Bruder:* We do. I am not totally familiar with that area but yes; we do need to consult them because I believe we are changing the FEMA maps in this area.

*Ward:* So, do you submit a LOMAR to FEMA, and then FEMA comes in and creates a LOMAR or map revision of this area with the dam and freeway right-of-way? I am just interested.

*Bruder:* FEMA will be involved in the process. ADOT will prepare a LOMAR. A 404 Permit has been obtained for the project. There is a very significant mitigation plan that ADOT has to implement.

*Ward:* So in essence, those folks hammer you the same way do us.

ACTION: It was moved by Mr. Patel and seconded by Mr. Acuna to approve the item as submitted. The motion carried unanimously.

5) ADOBE DAM – DESERT HILLS AREA DRAINAGE MASTER PLAN, RESOLUTION FCD2005R003

Afshin Ahouraiyan, Project Manager, presented Resolution FCD2005R003 as the basis to mitigate storm water flooding within the Adobe Dam – Desert Hills watershed area. This resolution also authorizes the negotiation and preparation of intergovernmental agreements for rights-of-way acquisition, design, construction, construction management; to include funding in the current and future Five Year Capital Improvement Programs; to advertise, select, negotiate and award contracts for engineering services for design of the recommended alternative features, subject to the Board of Directors' approval.

*Patel:* As far as any future work, will they be stand-alone projects that would go through the CIP process?

*Ahouraiyan:* They would be stand-alone projects. Once they go through the prioritization process and get approved, we would come back before the Board asking for approval of the Intergovernmental Agreements between us and other agencies who are actually going to implement those portions of the plan.

- Patel:* You mentioned that since a lot of the land is State land, they would adopt the study. How would they go about making improvements? Would they make it part of the sale?
- Ahouraiyan:* We actually asked them to review this plan to make sure they were ok with it. They are aware that there is a major floodplain on their property. This would help eliminate a good portion of that floodplain so it becomes more saleable. If the plan is approved, they are willing to make a contingency on the land so that the developers incorporate the drainage measures within their plans.
- Cooper:* On the nonstructural things that we are looking at, you mentioned development standards. I guess I am still confused about how building permits are issued. It seems to me that if we have no flooding conditions up there that you wouldn't have to develop separate standards for our own Planning Department to look at. They should already be looking at floodplain issues so that we don't have people building in the floodway. So maybe you could expand on that a bit. What do you mean by development standards?
- Ahouraiyan:* These are above and beyond what the guidelines are for building. For example, we found out that because the goal of the project was to make sure that the flow to Skunk Creek is maintained, we looked at what would happen if a lot was being developed and vegetation was removed, that actually increases the flow off that lot. So what we are recommending is that removal of vegetation be minimized when the development plan is presented. Building walls is another issue. We get a number of calls about walls being built and redirecting the flow onto someone else's property. So what we are proposing is that they not allow any walls to be built out there, only open fences that would allow the water to flow through it. Again, these are guidelines that we have suggested to Planning & Development because the Drainage Regulations are under their control right now. We are asking that they actually consider these new guidelines when a proposal comes to them for a permit. Again, implementation may not happen just as any of the structural alternatives may not happen. However, we felt very strongly about these issues and the people out there actually asked us to look into and to come up with the new guidelines. Everyone felt that these issues are very local and no one is really looking at them. So we have come up with stand-alone development guidelines and have provided them to Planning and Development for their consideration. Implementation is totally in their hands, but we are hoping that once this plan gets adopted that they will look at these guidelines in more detail.
- Cooper:* That is scary. It sounds to me like if they don't take the imitative to do something; we are going to end up buying more houses in the future
- Ahouraiyan:* This is not the same as floodplain or floodway; this is just a drainage issue. No one is allowed to build in the floodway now. Those things still come through us for review. This is just the drainage part of it.
- Cooper:* I appreciate the clarification.

*Justice:* Did I hear you say that the creek actually comes into CAP, overflows into the CAP?

*Ahouraiyan:* Yes. Actually there is an over chute over the CAP. There are two CAP locations where drainage flows go over the CAP, Skunk Creek and Sonoran Wash, and then it becomes a wash again. We found that north of the CAP flows are actually getting out of Skunk Creek and overtopping I-17. So we are proposing that a levee be constructed to control the flows and prevent them from overtopping I-17. It doesn't flow into and out of the CAP. There is a concrete pad that carries the flow over the top of the canal. Anything above and beyond the capacity of the over chute ends up in the canal.

*Cooper:* It sounds like ADOT may have some responsibility there.

*Ahouraiyan:* ADOT will definitely have responsibility. They are interested because that portion of I-17 is being studied right now for widening of the freeway lanes. We have had many meetings with them. They have shown interest in being a partner with us on this.

ACTION: It was moved by Mr. Patel and seconded by Mr. Martin to approve the item as submitted. The motion carried unanimously.

#### 6) COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER.

*Phillips:* Mr. Chairman, Members of the Board, I don't really have any items on my list to present to you this month other than to say that Mr. Patel's name went before the Board of Directors this morning for another tour of duty on the FCAB. We appreciate your support.

*Lemmon:* Mr. Chairman, Members of the Board, I have only one item. In May, prior to adjourning, the Legislature passed our Omnibus Flood Control Bill and the Governor did sign it. It has several small but very important changes to some of the language in our statutory section that helps us with regulation. It did not include the erosion hazard zone so we will probably be working this summer with the rock products industry on that. Everything else made it through and we are very happy. That will be effective August 15, 2005.

*Ward:* Tim, can you bring us up to date on the search for a new Chief Engineer and General Manager? How is that coming along?

*Phillips:* Mr. Chairman, Members of the Board, to be honest, all I know is that they have a headhunter who is looking for applicants. Beyond that, I have no idea. I have a meeting with the headhunter next week to do my best to educate her about the type of person the District would want for a Chief Engineer and to also make a plug for myself. Beyond that, Mr. Ward, I have not heard anything.

*Ward:* Mr. Chairman, if I may, the reason I bring this up is because Tim has been the Acting Chief Engineer and General Manager for 16 months. So, I think that any help we can give him would be good. I definitely support Tim. I would ask the other Board Members, if you have a chance to talk to your

Supervisor. I think Tim has been in limbo long enough. Tim, I am endorsing you.

*Phillips:* I appreciate that. Thank you.

*Cooper:* That is a good suggestion, for everyone to talk to their Supervisor.

*Phillips* Mr. Chairman, Members of the Board, I guess my only caveat to that is, that I am not soliciting that action.

*Cooper:* I understand. It was an idea originated by the Board Members.

7) SUMMARY OF RECENT ACTIONS BY THE BOARD OF DIRECTORS

8) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

*The meeting was adjourned at 3:25pm*